

when it described the operations at this plant as a "messy" or "dirty" operation in terms of levels of radio-nuclides present.

Finally, NIOSH has informed claimants who worked at these sites or their survivors that if they are not interviewed as a part of the dose reconstruction process, it would "hinder" NIOSH's ability to conduct dose reconstruction for the claimant and may result in a dose reconstruction that "incompletely or inaccurately" estimates the radiation dose to which the energy employee named in the claim was exposed. So NIOSH is basically saying that they are relying on a former worker's memory or any information a survivor might have. What if the former worker cannot remember what he was exposed to or was never told? What if the survivor has no idea as to what materials the claimant might have been exposed? Keep in mind. Most of this happened anywhere from 40-60 years ago.

All of the previously mentioned points are evidence that the health of these workers was endangered and that an accurate dose reconstruction is not feasible. Therefore, I believe that the Mallinkrodt sites in Missouri should be designated as a Special Exposure Cohort.

To make matters even worse, the Department of Health and Human Services first published the Notice of Proposed Rulemaking (NPRM) concerning the Special Exposure Cohort on June 25, 2002, and as of today, January 27, 2004, this rule has yet to be finalized. Many of these former Mallinkrodt workers have died while waiting for the proposed SEC rule to be finalized, including some claimants who were waiting for dose reconstruction to be started or completed.

This is simply unacceptable! The EEOICPA was intended to provide long overdue compensation to these workers within a reasonable period of time. These brave workers answered the call and helped our nation win the Cold War. It is now time for our nation to help them and provide them with the immediate compensation that they deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility, the Weldon Springs facility, and the Hematite facility) were exposed to levels of radio nuclides and radioactive materials that were much greater than the current maximum allowable Federal standards;

(2) the Mallinkrodt workers at the St. Louis site were exposed to excessive levels of

airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure;

(3)(A) the chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures;

(B) workers were excreting in excess of a milligram of uranium per day causing kidney damage; and

(C) a recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts;

(4) the Department of Energy has admitted that those workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials;

(5) the Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive;

(6) the National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radio nuclides; and

(B) the Institute has virtually no personal monitoring data for workers prior to 1948;

(7) the National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed;

(8) the Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of January 27, 2004, the rule has yet to be finalized; and

(9) many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

SEC. 2. DEFINITION OF MEMBER OF THE SPECIAL EXPOSURE COHORT.

Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) The employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958, the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966, and the Hematite facility during any of calendar years 1958 through 1969), and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to tritium radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards

of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 295—CONGRATULATING THE NEW ENGLAND PATRIOTS ON THEIR VICTORY IN SUPER BOWL XXXVIII

Mr. KENNEDY (for himself, Mr. KERRY, Mr. REED, and Mr. CHAFEE) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas, on Sunday, February 1, Adam Vinatieri of the New England Patriots kicked the winning field goal with seven seconds remaining in the game to defeat the Carolina Panthers by the score of 32-29 in Super Bowl XXXVIII in Houston, Texas;

Whereas this victory is the second Super Bowl championship won by the Patriots in the past three years;

Whereas quarterback Tom Brady led the Patriots to victory in both those years, and was named Super Bowl Most Valuable Player in both years;

Whereas both of the Super Bowl victories were earned by the Patriots in the final seconds of the game on a field goal by Mr. Vinatieri;

Whereas the Patriots tied an NFL record by winning 15 consecutive games in the recent season;

Whereas Patriots Head Coach Bill Belichick and Assistant Coaches Romeo Crennel and Charlie Weiss brilliantly created successful game plans throughout the season, and Mr. Belichick was named the Coach of the Year in the National Football League;

Whereas extraordinary efforts by other Patriots players including Deion Branch, Troy Brown, David Givens, Ty Law, Willie McGinest, Richard Seymour, Antowain Smith, Mike Vrabel, and Ted Washington also contributed to the Super Bowl victory;

Whereas the New England Patriots offensive linemen, Matt Light, Joe Andruzzi, Dan Koppen, Russ Hochstein, and Tom Ashworth deserve great credit for protecting quarterback Tom Brady and for allowing no sacks of the quarterback in the Super Bowl game or in any of the other games in the post-season playoffs; and

Whereas Patriots owner Bob Kraft deserves great credit for his strong support of the team, and for his acknowledgement that the Super Bowl victory would not have been possible without the strong support of the millions of fans from New England.

Resolved, that the Senate of the United States congratulates the New England Patriots on winning Super Bowl XXXVIII.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 4, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.